

There is no product description in this Reference X and it doesn't even mention the cappuccino product. The Reference U label discloses the ingredients, however, the reasons that Reference W is insufficient also apply to Reference U. More specifically, there is no mention of omega-3 fatty acids and omega-6 fatty acids in the product and no mention of soy protein.

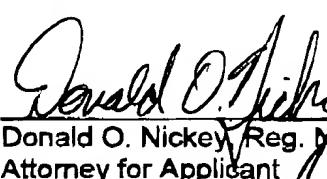
Applicants strenuously object to the Examiner's improper attempt to combine these two references in an improper manner. With no information tying Reference X to Reference U, the Examiner has engaged in an improper combination of prior art. In light of the amendment to the claims wherein 3% of the calories of the fat component are omega-6 fats, and at least 5% of calories are omega-3 fats, References X and U are precluded from making obvious claim 1, as it stands presently before the Examiner. Further, the requirement of claim 1, wherein 53-62% of the calories is from protein and wherein said protein is a mixture of soy protein isolates and calcium caseinate, is totally missing from the references. For these reasons, it is believed that the Examiner's rejection of claims 4, and 6-10 under 35 USC §103(a) as being unpatentable over Atkins Shake Mix, Reference X, in light of Atkins Cappuccino Shake Mix label, Reference U, has been overcome. Withdrawal of that rejection is respectfully solicited.

#### Conclusion

It is respectfully submitted that each and every objection raised by the Examiner has now been overcome. Applicants earnestly solicit a Notice of Allowance relative to the claims presently before the Examiner. Should the Examiner have any questions prior to passing this case onto allowance, he is invited to contact the undersigned attorney.

Respectfully submitted,

Date: March 13, 2003 By:

  
Donald O. Nickey, Reg. No. 29,092  
Attorney for Applicant  
8765 Colvin Drive  
Plain City, Ohio 43064  
Telephone: (614) 757-5542  
Facsimile: (614) 757-2243